

on its second reading the following resolution:

H. C. R. No. 3, Granting permission to C. N. Williford of Freestone County, Texas, to sue the State of Texas and its Highway Department.

The resolution was read and was adopted.

House Bill 60 on Second Reading

Senator Colson moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 60 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 60, A bill to be entitled "An Act creating Liberty County Drainage District Number Five under authority of Section 59 of Article 16 of the Constitution; granting to said District the powers conferred by General Laws concerning Drainage and Conservation and Reclamation Districts; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 60 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 60 before the

Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	

Adjournment

On motion of Senator Hardeman the Senate at 5:08 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

TWELFTH DAY

(Friday, August 4, 1961)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by Senator Hardeman.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Weinert
Krueger	Willis

Absent—Excused

Smith

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leave of Absence

Senator Smith was granted leave of absence for today to perform his duties as Acting Governor on motion of Senator Lane.

Communication from Lieutenant Governor

The Presiding Officer laid before the Senate the following communication from the Lieutenant Governor:

THE STATE OF TEXAS

Office of the Lieutenant Governor
Austin

August 3, 1961.

Senator Dorsey Hardeman
State Capitol
Austin, Texas

Dear Senator:

Being temporarily absent from the Senate, I appoint you to perform the duties of the Chair during my absence.

Sincerely yours,
BEN RAMSEY

Senate Resolution 59

Senator Owen offered the following resolution:

Whereas, We are proud to have as a visitor in the Senate our native son, Chill Wills;

Whereas, We are happy to welcome everyone's "cousin" to the Capitol; now, therefore, be it

Resolved, That Chill Wills be welcomed and that he be requested to address the Senate and be extended the privileges of the floor.

OWEN
KAZEN
HARDEMAN

The resolution was read and was adopted.

The Presiding Officer requested Senator Kazen to escort Mr. Wills and Big John Hamilton to the President's Rostrum.

The Presiding Officer presented Senator Kazen and he introduced Mr. Wills to the Members of the Senate.

Mr. Wills addressed the Senate expressing appreciation for the honor of being in the Senate.

The Presiding Officer presented Senator Kazen and he presented Big John Hamilton of San Antonio.

Mr. Hamilton addressed the Senate expressing appreciation of being in the Senate with his good friend Chill Wills.

Message from the Acting Governor

The following message received from Acting Governor Preston Smith was read and was filed with the Secretary of the Senate:

August 4, 1961.

To the Members of the 57th Legislature, First Called Session.

As an additional subject of the Special Session, I herewith submit legislation relating to the definition of "specialized motor carrier" as contained in S. B. 23, now pending.

Respectfully submitted,
PRESTON SMITH,
Acting Governor.

Reports of Standing Committees

Senator Hardeman submitted the following report:

Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 14, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Herring submitted the following report:

Austin, Texas,
August 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Claims, to whom was referred S. B. No. 29, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute therefor do pass and be not printed.

HERRING, Chairman.

C. S. S. B. No. 29 was read the first time.

**Committee Substitute
Senate Bill 29 Ordered Not Printed**

On motion of Senator Herring and by unanimous consent C. S. S. B. No. 29 was ordered not printed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that:

The House refused to concur in Senate amendments to House Bill No. 20 and has requested the appointment of a Conference Committee to consider the differences between the two Houses by a vote of 97 ayes, 43 noes. House has appointed the following conferees: Ballman, Chairman; Sandahl, Murray, Eckhardt, Kennard.

The House refused to concur in Senate amendments to House Bill No. 24 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House has appointed the following conferees: Cory, Chairman; Buchanan, Burgess, Glusing, Price.

The House has concurred in Senate amendments to House Bill No. 50 by non-record vote.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Resolution 58

Senator Patman offered the following resolution:

Whereas, The causeway across Copano Bay in Aransas County, Texas, will in a few years' time be replaced by a modern concrete and steel causeway; and

Whereas, Once a new causeway is built across Copano Bay, the present wooden and concrete causeway will no longer be used, and most of it will be dismantled, and the materials either sold for scrap or destroyed; and

Whereas, The Gulf Coast Area is becoming an increasingly popular fishing resort area; and

Whereas, Present facilities along

the Gulf Coast of Texas, such as fishing piers, wharfs and the like, are not adequate to meet the increasing demands of the public use of the Gulf Coastal waters; and

Whereas, It would be desirable that once a new causeway is completed across Copano Bay, the present causeway be retained and improved to provide a public fishing pier, operated for the general public; now, therefore, be it

Resolved, By the Senate of the State of Texas that the Game and Fish Commission, the State Highway Department, and the Texas State Parks Board be and they are hereby requested to make a study of the feasibility of converting the present causeway across Copano Bay into a public fishing pier once a new causeway has been opened to vehicular traffic across Copano Bay, and to make a report of its investigation and recommendations, if any, to the 58th Legislature.

The resolution was read and was adopted.

Record of Vote

Senator Baker asked to be recorded as voting "Nay" on the adoption of the above resolution.

Message From the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
August 3, 1961.

To the Senate of the Fifty-seventh Legislature, First Called Session:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be judge of the District Court of the 64th Judicial District, to fill the unexpired term of Judge H. M. LaFont, resigned: James A. Joy of Abernathy, Hale County.

Respectfully submitted,
PRICE DANIEL,
Governor of Texas.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 106, To Committee on Water and Conservation.

H. B. No. 139, To Committee on Water and Conservation.

Conference Committee on House Bill 20

Senator Lane called from the President's table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 20 and moved that the request be granted.

The motion to grant the request prevailed by the following vote:

Yeas—26

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moffett
Creighton	Moore
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Willis

Nays—4

Hardeman	Parkhouse
Owen	Weinert

Absent—Excused

Smith

Accordingly, the Presiding Officer announced the appointment of the following Conferees on the bill on the part of the Senate: Senators Lane, Reagan, Fuller, Hardeman and Creighton.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 106, have had the same under consideration, and we are instructed to report it back to the Senate with the consideration that it do pass and be printed.

PARKHOUSE, Chairman.

House Bill 106 Ordered Not Printed

On motion of Senator Crump and by unanimous consent H. B. No. 106 was ordered not printed.

Senate Bill 67 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 67, A bill to be entitled "An Act authorizing certain cities to issue refunding bonds due serially and bearing interest as provided in this Act for the purpose of refunding outstanding tax supported bonds adjudicated to be valid by a decree of the federal court, where the ordinance authorizing the issuance of such refunding bonds provides that not less than a rate of tax therein specified shall be levied, assessed and collected each year as long as any of such bonds or interest thereon are outstanding; providing that, in lieu of exchanging such new refunding bonds, they may be sold and the proceeds deposited in the bank where the outstanding bonds are payable; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 67 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Willis

Nays—2

Hardeman Weinert

Absent—Excused

Smith

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Willis
Krueger	

Nays—3

Hardeman Weinert
Martin

Absent—Excused

Smith

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
August 3, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 139, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARKHOUSE, Chairman.

House Bill 139 Ordered Not Printed

On motion of Senator Hazlewood and by unanimous consent H. B. No. 139 was ordered not printed.

House Bill 62 on Second Reading

On motion of Senator Hazlewood and by unanimous consent, the regu-

lar order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 62, To amend Chapter 125, Acts of the Forty-fifth Legislature, 1937, as amended (codified as Article 6243e, Vernon's Annotated Civil Statutes), by adding thereto a new Section to be numbered Section 25A, prohibiting any increase or decrease in a retirement or survivor's allowance except as expressly provided; and declaring an emergency.

The bill was read second time and passed to third reading.

House Bill 62 on Third Reading

Senator Hazlewood moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 62 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Hudson	Secrest
Kazen	Weinert
Krueger	Willis
Lane	

Nays—1

Herring

Absent—Excused

Smith

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Herring asked to be recorded as voting "Nay" on the final passage of H. B. No. 62.

Senate Bill 30 on Second Reading

On motion of Senator Owen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 30, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 109th Judicial District of Texas; and declaring an emergency."

The bill was read second time.

Senator Owen offered the following amendment to the bill:

Amend S. B. 30 by striking all below the enacting clause and substituting in lieu thereof the following:

"Section 1. From and after the passage of this Act the official shorthand reporters for the 109th Judicial District of Texas, composed of the counties of Andrews, Crane and Winkler, and the Eighty-third Judicial District of Texas, composed of the counties of Presidio, Brewster, Jeff Davis, Pecos, Upton and Reagan, and shall receive a salary of not less than Six Thousand Six Hundred Dollars (\$6,600) per annum, nor more than Eight Thousand Five Hundred Dollars (\$8,500) per annum, which shall be determined, fixed and set by the Judges of said Districts; and from and after the time that said judges shall have entered an order in the minutes of the court, in each county of said Districts, which order shall be a public record and open for inspection, stating specifically the amount of salary to be paid to said reporters, and shall have filed a copy of said order with each Commissioners Court of the Districts, the salaries so determined, fixed and set shall be paid monthly, by and in the proportion for each county of the Districts as provided by law, out of the General Fund, or out of the Jury Fund, or out of any fund available for the purpose.

Section 2. From and after the passage of this Act, all provisions of the law relating to the appointment, qualifications and duties of official shorthand reporters in this State, and as to allowances to them of transcript fees and hotel and traveling expense, shall govern, save and except that when the salary of the official shorthand re-

porters for the 109th Judicial District and for the Eighty-Third Judicial District shall have been determined, fixed and set by the judges of said Districts, in the manner and within the amount limits as in this Act provided, said salaries shall be paid to said official shorthand reporters as in this Act provided, and not otherwise.

Section 3. The fact that the official shorthand reporters of the 109th Judicial District and the 83rd Judicial District Courts are paid salaries which are below the present standard for comparable service; the further fact that the cost of living has materially increased; that economic conditions have brought about increases in prices of all commodities, and that an adjustment in salary is necessary, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Owen offered the following amendment to the pending amendment:

Amend the pending amendment for S. B. 30 by inserting after the words "Eighty-third Judicial District" in Section 2 by adding the following "and for the 143rd Judicial District" and by adding "and the 143rd Judicial District" in Sec. 3 after the words "83rd Judicial District."

The amendment was adopted.

Senator Owen offered the following amendment to the pending amendment:

Amend the pending amendment for S. B. 30 by inserting after the word Reagan in Section 1 the following:

"And the 143rd Judicial District of Texas, composed of the counties of Ward, 'Reeves' and Loving."

The amendment was adopted.

The amendment as amended was then adopted.

On motion of Senator Owen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 30 on Third Reading

Senator Owen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 30 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Weinert
Krueger	Willis

Absent—Excused

Smith

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Weinert
Krueger	Willis

Absent—Excused

Smith

Senate Resolution 61

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate the renowned Chill Wills, of Texas and California; and

Whereas, We desire to welcome this distinguished visitor and acknowledge his contribution, through the medium of the Dramatic Arts, to the love and understanding of Texas Lore and Heritage; and

Whereas, We wish him continued success in his endeavors, to the extent that it is our hope Chill Wills be considered an Academy Award Winner; now, therefore, be it

Resolved, That his contribution as well as his presence be recognized by the Senate of Texas, and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Bills Signed

The Acting President (Senator Hardeman in the Chair) signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 31, A bill to be entitled "An Act amending Chapter 340, Acts 1949, Fifty-first Legislature, Regular Session, by granting the Colorado River Municipal Water District the power and authority to study, correct, prevent, control, regulate and eliminate artificial and natural pollution, including oil field brine pollution, of the Colorado River and its tributaries upstream from the north boundary line of Coke County, Texas, and to acquire sources of salt water by any means, and to sell salt water and fresh water for mining, oil field flooding and repressuring, industrial, manufacturing or other purposes; and declaring an emergency."

S. B. No. 28, A bill to be entitled "An Act to amend Section 1 of Senate Bill 251, Acts of the Fifty-seventh Legislature, Regular Session, 1961, so as to eliminate therefrom the requirement that 'incorporated' cities in which 'Eligible Districts' are situated must border the Gulf of Mexico; and declaring an emergency."

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 42, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KRUEGER, Chairman.

House Bill 42 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent H. B. No. 42 was ordered not printed.

House Concurrent Resolution 14 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. C. R. No. 14 was ordered not printed.

Committee Substitute Senate Bill 29 on Second Reading

On motion of Senator Herring and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 29, A bill to be entitled "An Act directing payment of certain miscellaneous claims and judgments out of the sum appropriated for that purpose in the General Appropriation Bill; making an appropriation for and directing payment of certain miscellaneous claims and judgments out of other funds designated herein; requiring approval of claims in the manner specified in the Act before payment is made; and declaring an emergency."

The bill was read the second time.

Senator Herring offered the following amendment to the bill:

Amend the Committee Substitute for S. B. 29 by adding at the end of Sec. 1 thereof the following claim:

"To pay Herbert Clubb, Beaumont, Texas, plaintiff in Cause No. A-74876, styled Herbert Clubb vs. The State of Texas and Texas Highway Department in the 58th Judicial District Court of Jefferson County, Texas, on a final judgment—\$5,500.00."

The amendment was adopted.

The bill as amended was passed to engrossment.

Record of Vote

Senator Owen asked to be recorded as voting "Nay" on the passage of C. S. S. B. No. 29 to engrossment.

Committee Substitute Senate Bill 29 on Third Reading

Senator Herring moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 29 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Weinert
Krueger	Willis

Nays—2

Hudson	Owen
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Absent—Excused

Smith

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Owen asked to be recorded as voting "Nay" on the final passage of C. S. S. B. No. 29.

Senate Concurrent Resolution 24

Senator Owen offered the following resolution:

S. C. R. No. 24, Granting James W. Butler permission to sue the State of Texas.

Whereas, James W. Butler, a resident of Howard County, Texas, alleges that on or about August 5, 1959, while working under the direction of the Big Springs State Hospital and assisting said State Department in tearing out a heavy steel window frame from the laundry building of the hospital, the said James W. Butler was injured when the steel window frame fell and knocked the said James W. Butler off a ladder causing him to fall to the ground and striking him on the left leg severing the tendon of his leg, and

Whereas, James W. Butler desires to institute suit against the State of Texas for damages suffered by him as a result of said injuries inflicted upon him, now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, that James W. Butler is hereby given permission to sue the State of Texas in any court of competent jurisdiction. In case such suit is filed, service of citation or any other necessary process shall be made upon the Attorney General of the State of Texas. Either of the parties to the suit shall have the right of appeal, as in other civil cases, and be it further

Resolved, That the sole purpose of this resolution is to grant to the aforesaid James W. Butler permission to bring suit against the State of Texas and/or its Board of Hospitals and Special Schools, and no admission of liability of the State or of any fact is made in any way by the passage of this Resolution, and it is specifically provided that the facts upon which he seeks to recover must be proved in court as in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

Report of Standing Committee

Senator Hardeman by unanimous consent submitted the following report:

Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to whom was referred S. C. R. No. 24, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senate Concurrent Resolution 24 Ordered Not Printed

On motion of Senator Owen and by unanimous consent S. C. R. No. 24 was ordered not printed.

Report of Standing Committee

Senator Parkhouse by unanimous consent submitted the following report:

Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water and Conservation, to whom was referred H. B. No. 69, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

House Bill 69 Ordered Not Printed

On motion of Senator Fuller and by unanimous consent H. B. No. 69 was ordered not printed.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 13, C. F. Rickenbacker and wife to institute suit against the State of Texas and its Highway Department. (With amendment.)

H. B. No. 66, A bill to be entitled "An Act to amend the subject matter of the Texas Unemployment Compensation Act, as amended, and as embraced in Section 3 providing benefits and by adding to Section 3 a new subsection to be known as (e) defining 'Wages' as used in Section 3(e), Section 4 providing benefit eligibility conditions and by adding to Section 4 a new subsection to be known as (f) providing for a one (1) week waiting period prior to the payment of bene-

fits, Section 5 providing for disqualification for benefits, and Section 7 providing for contributions, as amended, (Senate Bill No. 5, Chapter 482, General and Special Laws of the Forty-fourth Legislature, Third Called Session, 1936, as amended); providing for the repeal of all laws and parts of laws in conflict herewith and for preserving rights accrued thereunder; providing for separability of provisions; providing an effective date for this Act; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 56 on Second Reading

Senator Reagan asked unanimous consent to suspend the regular order of business and take up H. B. No. 56 for consideration at this time.

There was objection.

Senator Reagan then moved to suspend the regular order of business and take up H. B. No. 56 for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Ratliff
Dies	Reagan
Fuller	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Weinert
Krueger	

Nays—5

Gonzalez	Patman
Kazen	Willis
Martin	

Absent—Excused

Smith

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 56, A bill to be entitled "An Act amending Article 2919, Revised Civil Statutes of Texas, 1925, to provide that the trustees of any

school district shall, upon petition of five per cent (5%) of the qualified voters of the school district, call an election to determine whether or not the district shall establish and maintain a kindergarten; and declaring an emergency."

The bill was read second time.

Senator Gonzalez offered the following amendment to the bill:

Amend H. B. 56 by adding the following section:

Section 4a. This Act shall not apply to any county with a population, according to the last preceding Federal census, of more than 250,000 inhabitants and less than 700,000 inhabitants, having more than one independent school district.

The amendment was read.

Question—Shall the amendment by Senator Gonzalez to H. B. No. 56 be adopted?

Recess

On motion of Senator Aikin the Senate at 12:09 o'clock p.m. took recess until 2:00 o'clock p.m. today.

After Recess

Senator Hardeman called the Senate to order at 2:00 o'clock p.m.

House Bill 56 on Second Reading

The Senate resumed the consideration of H. B. No. 56 with an amendment by Senator Gonzalez pending (the bill having been read the second time this morning).

Question—Shall the amendment by Senator Gonzalez to H. B. No. 56 be adopted?

Senator Gonzalez offered the following substitute for the pending amendment:

Amend H. B. 56 by adding the following section:

Section 4a. This Act shall not apply to any county with a population, according to the last preceding Federal census, of more than 400,000 inhabitants and less than 700,000 inhabitants, having more than one independent school district.

The substitute for the pending amendment was read and was adopted.

The amendment as substituted was then adopted.

Record of Votes

Senators Reagan, Martin and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above amendment.

Senator Aikin offered the following amendment to the bill:

Amend H. B. 56 by adding a new section to be known as Section — to read as follows, and renumber the remaining sections:

"If any section, subsection, sentence, phrase or clause is held to be unconstitutional, it is declared to be the intention of the Legislature, that such holding shall not affect the remaining parts of this bill."

The amendment was adopted.

On motion of Senator Reagan and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 56 on Third Reading

Senator Reagan moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 56 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Willis
Lane	

Nays—1

Gonzalez

Absent

Herring

Weinert

Absent—Excused

Smith

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lane
Baker	Moffett
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Willis

Nays—2

Gonzalez

Martin

Absent

Herring

Weinert

Absent—Excused

Smith

Report of Standing Committee

Senator Krueger by unanimous consent submitted the following report:

Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sid: We, your committee on Game and Fish, to whom was reported H. B. No. 128, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

KRUEGER, Chairman.

House Bill 128 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 128 was ordered not printed.

Senate Bill 18 With House Amendments

Senator Patman called S. B. No. 18 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Patman moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill:

Senators, Patman, Dies, Roberts, Crump and Reagan.

Senate Bill 64 on Second Reading

Senator Creighton asked unanimous consent to suspend the regular order of business and take up S. B. No. 64 for consideration at this time.

There was objection.

Senator Creighton then moved to suspend the regular order of business and take up S. B. No. 64 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Aikin	Hudson
Baker	Kazen
Calhoun	Lane
Creighton	Martin
Crump	Moffett
Dies	Parkhouse
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Schwartz
Hazlewood	Secrest

Nays—6

Colson	Patman
Krueger	Roberts
Owen	Willis

Absent

Herring	Rogers
Moore	Weinert

Absent—Excused

Smith

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 64, A bill to be entitled

"An Act to amend Senate Bill No. 80, Chapter 260, Acts of Fifty-seventh Legislature, Regular Session, 1961, (codified as Article 2815-3 in Vernon's Annotated Civil Statutes) by the addition thereto of a new section to be designated Section 1a defining "consolidation" for the purposes of Senate Bill 80, supra, and its application therein; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Record of Vote

Senator Krueger asked to be recorded as voting "Nay" on the passage of S. B. No. 64 to engrossment.

Motion to Place Senate Bill 64 on Third Reading

Senator Creighton moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 64 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

Yeas—20

Aikin	Hudson
Baker	Kazen
Calhoun	Lane
Creighton	Martin
Crump	Moffett
Dies	Parkhouse
Fuller	Reagan
Gonzalez	Rogers
Hardeman	Schwartz
Hazlewood	Secrest

Nays—7

Colson	Ratliff
Krueger	Roberts
Owen	Willis
Patman	

Absent

Herring	Weinert
Moore	

Absent—Excused

Smith

Message from the House

Hall of the House of Representatives
Austin, Texas,
August 4, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 18.

House has appointed the following Conference Committee: Cory, Chairman, Andrews, Haring, Harrington, and Huebner.

H. C. R. No. 19: Relative to retaining an outside independent actuarial firm by the Governor regarding the automobile insurance rates in Texas.

H. C. R. No. 21: Granting permission to Carmen G. Abatis to sue the State of Texas and the Board of Control of the State of Texas.

H. C. R. No. 22: Granting permission to Lavon Lakey to sue the State of Texas and the Texas Department of Public Safety.

H. B. No. 49, A bill to be entitled "An Act relating to tuition rates at State institutions of higher education for alien Latin-American students; amending Subsection (f) of Section 1 of Chapter 196, Acts of the 43rd Legislature, Regular Session, 1933, as added by Section 1 of Chapter 218, Acts of the 50th Legislature, Regular Session, 1947, as said Subsection (f) was last amended by Section 1 of Chapter 435, Acts of the 55th Legislature, Regular Session, 1957, and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 139 on Second Reading

Senator Hazelwood moved that Senate Rules 13, 32 and 38 and The Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 139 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Creighton
Baker	Crump
Calhoun	Dies
Colson	Fuller

Gonzalez	Owen
Hardeman	Parkhouse
Hazlewood	Patman
Herring	Ratliff
Hudson	Reagan
Kazen	Roberts
Krueger	Rogers
Lane	Schwartz
Martin	Secrest
Moffett	Willis
Moore	

Absent

Weinert

Absent—Excused

Smith

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 139, A bill to be entitled "An Act relating to the Palo Duro River Authority to increase the terms of office of members of the Board of Directors from two (2) to four (4) years; providing for election of members of the Board of Directors; providing that the Board of Directors shall fill vacancies by appointment for the unexpired term; etc., and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 139 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 139 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Willis
Krueger	

Absent

Weinert

Absent—Excused

Smith

House Bill 106 on Second Reading

Senator Crump moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 106 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Willis
Krueger	

Absent

Weinert

Absent—Excused

Smith

The Presiding Officer then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 106, A bill to be entitled "An Act amending and repealing H. B. No. 922, Chapter 257, Acts of the 57th Legislature, creating a water control and improvement district under Article XVI Section 59 of the Constitution of Texas, to be known as 'Kimble County River Authority' comprising lands lying within the County of Kimble, Texas; etc.; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 106 on Third Reading

The Constitutional Rule requiring

bills to be read on three several days having been suspended the Presiding Officer laid H. B. No. 106 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moffett
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Willis
Krueger	

Absent

Weinert

Absent—Excused

Smith

Motion to Recess

Senator Roberts moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Question on the motion to recess, yeas and nays were demanded.

The motion to recess was lost by the following vote:

Yeas—7

Calhoun	Parkhouse
Hardeman	Ratliff
Krueger	Roberts
Martin	

Nays—19

Aikin	Hudson
Baker	Kazen
Colson	Lane
Creighton	Moffett
Crump	Patman
Dies	Rogers
Fuller	Schwartz
Gonzalez	Secrest
Hazlewood	Willis
Herring	

Absent

Moore	Reagan
Owen	Weinert

Absent—Excused

Smith

Senate Bill 23 on Second Reading

Senator Kazen asked unanimous consent to suspend the regular order of business and take up S. B. No. 23 for consideration at this time.

There was objection.

Senator Kazen then moved to suspend the regular order of business and take up S. B. No. 23 for consideration at this time.

The motion prevailed by the following vote:

Yeas—19

Aikin	Hudson
Baker	Kazen
Calhoun	Lane
Creighton	Parkhouse
Crump	Reagan
Dies	Roberts
Fuller	Schwartz
Hardeman	Secrest
Hazlewood	Willis
Herring	

Nays—6

Krueger	Patman
Martin	Ratliff
Moffett	Rogers

Present—Not Voting

Gonzalez

Absent

Colson	Owen
Moore	Weinert

Absent—Excused

Smith

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act amending Paragraph (1) of Section 1 of Chapter 314, Acts of the 41st Legislature, Regular Session 1929, as amended, relating to the definition of 'specialized motor carrier'; and declaring an emergency."

The bill was read second time.

Senator Kazen offered the following amendment to the bill:

Amend S. B. 23, Paragraph 1, by inserting between the words "livestock

feedstuff" and the words "broom corn" the following:

"Agricultural products in their natural state when moving initially from the farm or ranch where such products are produced to a packing shed or a processing plant."

The amendment was read.

Senator Rogers offered the following as a substitute for the pending amendment:

Amend Senate Bill 23. Section 1, (i) by adding after the words "livestock feedstuff" on line 32 and before the words "broom corn" on the line 33 the following: "agricultural products from the place of production to the place of process,"

The substitute for the pending amendment was read.

Senator Kazen moved to table the substitute by Senator Rogers.

Question on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Hudson
Baker	Kazen
Creighton	Lane
Crump	Moore
Dies	Parkhouse
Fuller	Roberts
Hardeman	Secrest
Herring	Willis

Nays—10

Hazlewood	Patman
Krueger	Ratliff
Martin	Reagan
Moffett	Rogers
Owen	Schwartz

Present—Not Voting

Gonzalez

Absent

Calhoun	Weinert
Colson	

Absent—Excused

Smith

Question recurring on the amendment by Senator Kazen the amendment was adopted.

On motion of Senator Kazen and by unanimous consent the caption was amended to conform to the body of the bill as amended.

Question—Shall S. B. No. 23 be passed to engrossment?

Motion to Recess

Senator Willis moved that the Senate stand recessed until 10:30 o'clock a.m. tomorrow.

Question on the motion to recess, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—8

Hardeman	Ratliff
Martin	Reagan
Moffett	Roberts
Parkhouse	Willis

Nays—18

Aikin	Hudson
Baker	Kazen
Colson	Krueger
Creighton	Lane
Crump	Moore
Dies	Owen
Fuller	Patman
Gonzalez	Schwartz
Herring	Secrest

Present—Not Voting

Rogers

Absent

Calhoun	Weinert
Hazlewood	

Absent—Excused

Smith

Senate Bill 23 on Second Reading

The Senate resumed the consideration of the pending business, same being S. B. No. 23 on its passage to engrossment.

Question—Shall S. B. No. 23 be passed to engrossment?

The Presiding Officer recognized Senator Rogers to speak on S. B. No. 23.

Question—Shall S. B. No. 23 be passed to engrossment?

Memorial Resolutions

S. R. No. 62—By Senator Hazlewood: Memorial resolution for Ivy E. Duncan.

S. R. No. 63—By Senator Hazlewood: Memorial resolution for J. E. Murfee, Jr.

Welcome Resolution

S. R. No. 60—By Senator Roberts: Extending welcome to Miss Marion Carter of Alexandria, Virginia.

Recess

On motion of Senator Aikin the Senate at 3:46 o'clock p.m. took recess until 10:30 o'clock a.m. tomorrow.

TWELFTH DAY

(Continued)

(Saturday, August 5, 1961)

After Recess

The Senate met at 10:30 o'clock a.m. and was called to order by the President.

Leave of Absence

Senator Smith was granted leave of absence for today on account of a death in the family on motion of Senator Dies.

Message from the House

Hall of the House of Representatives.
Austin, Texas,
August 5, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 5, A bill to be entitled "An Act to amend Title 53, Revised Civil Statutes of Texas, 1925, relating to escheat, by adding Article 3272a providing for the making of reports by persons holding personal property subject to escheat, defining terms, providing for notices and determination of escheat, administrative and court procedure, sales, determination and payment of subsequent claims, examination of records, reciprocity, penalties, and Expense and Reimbursement Fund, and other related rules and procedures for enforcement of the escheat laws of the State; making it unlawful, under